

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

V.

MARTIN AMARO-HERRERA,

Defendant.

Case No. 08-11M (MPT)

JOINT MOTION FOR EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT

The United States of America by and through its undersigned attorney, and the defendant, Martin Amaro-Herrera, by and through his attorney, Luis A. Ortiz, Esquire, jointly move for a 60-day continuance of the time within which an Indictment or Information must be filed in this case. In support of this motion, the parties state the following:

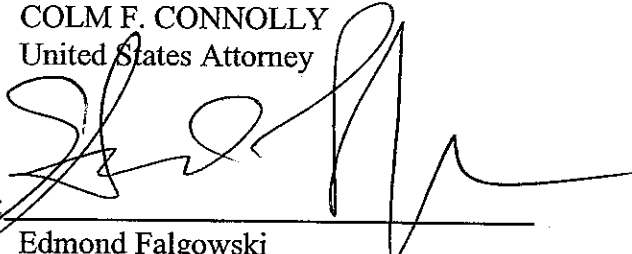
1. On January 18, 2008, a Criminal Complaint was issued on charges including passport fraud, in violation of 18 U.S.C. § 1542.
2. On January 23, 2008, the defendant was arrested and made his initial appearance on the Complaint.
3. On January 25, 2008, the defendant was released on bail by this Honorable Court. Immediately thereafter, the defendant was arrested on an Immigration detainer filed by Immigration and Customs Enforcement (ICE).
4. On or about February 8, 2008, the defendant appeared before an Immigration judge and was released on bail pending a deportation/removal hearing.

5. The Speedy Trial Act, 18 U.S.C. § 3161, et seq., requires that an Indictment or Information be filed within 30 days from the date on which the defendant was arrested. 18 U.S.C. § 3161(b).

6. The Government and the defendant are engaged in discussions to resolve this matter through a non-trial disposition.

WHEREFORE, for the above reasons, it is respectfully submitted that the ends of justice will be served best by the granting of a continuance of 60 days of the time within which to file an Indictment or Information in this case.

151
Luis A. Ortiz, Esquire
Counsel for Defendant

COLM F. CONNOLLY
United States Attorney

By: _____
Edmond Falgowski
Assistant United States Attorney

Dated: 2-20-08

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Case No. 08-11M (MPT)
)	
MARTIN AMARO-HERRERA,)	
)	
Defendant.)	

ORDER

AND NOW, this _____ day of _____, 2008, the Court finds that the defendant and the Government are engaged in discussions which may affect the charges against the defendant and that the parties jointly request a continuance of 60 days of the time within which to file an Indictment or Information in this case. The Court further finds that these reasons cause the ends of justice to best be served by granting a continuance in this matter, and that these reasons outweigh the interests of the public and the defendant in a speedy trial.

WHEREFORE, in accordance with Title 18, United States Code, Section 3161(h)(8)(A), it is hereby **ORDERED** that the time in which an Indictment or Information must be filed in the above action is continued for a period of sixty (60) additional days from the date of this Order.

Honorable Mary Pat Thyng
United States Magistrate Judge